

## **ARTICLE VIII SEPARATIONS**

### Section 1 - Resignations

#### Paragraph 1.

An employee who resigns shall present the reasons therefor, in writing. A copy of the resignation shall be forwarded to, and recorded by, the Department/ Division Head of the department. A copy of, or notification of resignation, shall be filed promptly with the City Human Resource Department. \*Refer to Executive Order #86-5 dated 11/24/86, for complete details concerning discipline/discharge procedures.

### Section 2 - Suspensions, Dismissals, Demotions, Reductions in Pay

#### Paragraph 1.

An employee holding a regular appointment in the City Career Service may be demoted, reduced in pay, suspended, or dismissed for any of the following:

- (a) Violation of the City Employees' Career Service Rules and Regulations.
- (b) Neglect of duty.
- (c) Disobedience of a reasonable order by any supervisor
- (d) Inefficiency or inability to satisfactorily perform assigned duties.
- (e) An act hostile to public service.
- (f) The City has an interest in ensuring that employees maintain necessary job qualifications and avoid behavior, job performance, or lack of action which disrupts the workplace, undermines the authority of management, impairs close working relationships, or otherwise impedes a safe, efficient, and effective workplace environment.

#### Paragraph 2.

No employee may be suspended for more than fifteen (15) calendar days at one time, nor for more than thirty (30) calendar days in one (1) calendar year.

Paragraph 3.

No employee may be removed from employment by means of job reclassification or a transfer of job function which occurs primarily for the purpose of dismissing the employee.

Paragraph 4.

Demotion, reduction in pay, suspension, or dismissal shall be made only upon written order of the appointing authority setting forth specifically the reason for such action.

Paragraph 5.

PRE-DISCIPLINARY CONFERENCE: For regular status employees, the process involves a pre-disciplinary conference whereby the employee is (1) given written notice of the charges; (2) the employee is given an explanation of the evidence supporting the charges; and (3) the employee is given the opportunity to present the employee's side of the story.

Next, the employee should be told that the department/division head will consider all the facts and notify the employee of the final decision. Depending on the circumstances and facts to be compiled and considered, suspension may be appropriate during this time. If the decision is to terminate employment, a final letter of that decision, the charges supporting that decision, together with information notifying the employee of appeal rights should then be given to the employee.

Paragraph 6.

Upon ordering the suspension or dismissal of any employee, the department/division head ordering the same shall file written charges with the Human Resource Department, and serve the employee a copy thereof, either personally, or by certified mail sent to the employee's last known address. Within ten (10) days after service, the employee may file a written appeal to the Appeals Board in accordance with procedures described in Article IV - Appeals.

Section 3 - Lay-Offs

Paragraph 1.

If it is necessary to reduce the number of employees in a specific job classification within a City department due to lack of work or lack of funds, the City shall, whenever possible, attempt to minimize lay-offs by readjusting personnel and/or assigning the employee to duty in other departments. If lay-offs

are necessary, seasonal, part-time and probationary employees shall be laid off first. "Probationary employees" means employees who have been newly hired or promoted but have not completed their probationary period, or employees who have been placed on probation for disciplinary purposes. The order of laying off regular employees shall be determined by a combination of the three (3) most recent performance-evaluation scores and seniority in the City, starting from lowest to highest. Each factor shall be given equal weight. If an employee has been evaluated fewer than three (3) times, all evaluations available shall be used for ranking purposes. In the event that the combined factors are equal between two or more employees, the Department Head shall determine in which order the affected employees are to be laid off based on their knowledge, skills, and abilities.

Paragraph 2.

The laid-off employee shall have the right to move to the next lower grade position within the department, provided the employee meets the minimum qualifications for the position. If the employee moves into the next lower grade position, this may cause the need for further lay-offs due to lack of work and/or lack of funds. In this case, employees in the lower position shall be laid off in the order provided in Paragraph 1.

Paragraph 3. – Severance Pay

When regular full-time employees are laid off through no fault of their own, they will be eligible to receive severance pay as follows:

Employees which have one to two years' regular full-time employment shall be entitled to the equivalent of ten (10) days' prorated pay.

If the employee is laid off after more than two years' employment, in addition to the severance pay described above, the employee shall also receive an additional amount equal to five prorated working days for each year of service in excess of two years, up to a maximum of thirty (30) days. Severance pay is in addition to any comp time, vacation and/or sick leave benefits accrued and owing the employee at the time of layoff.

Section 4 - General Re-employment Lists

Paragraph 1.

For each class of position, the Human Resource Director shall maintain a general re-employment list, consisting of the names of persons who have occupied positions in that class in the classified service with regular status, and who have

been separated from city employment for reasons other than for cause, and who have made written application to the City to have their names placed on an appropriate re-employment list. Names shall be placed on the re-employment lists in order of seniority of service at the time of separation. The names on the re-employment lists shall expire individually at the conclusion of one year unless extended by action of the Human Resource Director. However, a person's name may not be kept on a re-employment list longer than three years after the person ceased to work for the city.

## Section 5 - Acting in Position

### Paragraph 1.

If a regular employee is temporarily assigned to perform the function of a position in a higher grade, it is not necessary that the person meet the minimum requirements of the temporary position, provided the person does not serve longer than six (6) months before either qualifying for the higher position and is regularly promoted under the provisions of these regulations, or the position is otherwise filled in compliance with these regulations.

Upon approval of the Department/Division Head, an employee acting in position for at least 30 calendar days may receive a temporary pay adjustment of up to the minimum of the higher grade or a 5% increase, whichever is greater, if the job classification difference is less than three (3) grades higher. A 10% increase may be given if the job classification is three (3) or more grades higher. The pay adjustment shall be effective and retroactive back to the date the employee started working out of classification.